

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2003-000423-001 DT

10/15/2003

HONORABLE MICHAEL D. JONES

CLERK OF THE COURT
P. M. Espinoza
Deputy

FILED: _____

WILLIE CROCKETT JR.

WILLIE CROCKETT JR.
#139713
2100 S HWY 87
WINSLOW AZ 86047

v.

WARDEN GOLDSMITH (001)

MICHAEL N HARRISON

MINUTE ENTRY

This Court has jurisdiction over this special action pursuant to the Arizona Constitution Article VI, Section 18, of the Arizona Constitution, and Rule 4, Arizona Rules of Procedure for Special Actions.

This matter has been under advisement and the court has considered and reviewed the Petition, all other pleadings and the memoranda submitted.

Petitioner, Willie Crockett, Jr., filed a Petition for Writ of Habeas Corpus on May 6, 2003. However, the issue raised by Petitioner is more properly considered a Petition for Special Action, pursuant to the Arizona Rules of Procedure for Special Actions, and was, therefore, redesignated as such on May 13, 2003. Acceptance of special action jurisdiction is highly discretionary.¹ Jurisdiction is generally accepted only in those cases in which "justice cannot be satisfactorily obtained by other means,"² and may be assumed to correct plain and obvious errors.³ Rule 3 of the Arizona Rules of Procedure for Special Actions states:

¹ *Pompa v. Superior Court In and For the County of Maricopa*, 187 Ariz. 531, 931 P.2d 431, 235 Ariz. Adv. Rep. 27 (App. 1997); *State ex rel. McDougall v. Superior Court*, 172 Ariz. 153, 155, 835 P.2d 485, 487 (App.1992).

² *King v. Superior Court*, 138 Ariz. 147, 149, 673 P.2d 787, 789 (1983); see also *Harris Trust Bank of Ariz. v. Superior Court*, 188 Ariz. 159, 162, 933 P.2d 1227, 1230 (App.1996).

³ *Amos v. Bowen*, 143 Ariz. 324, 326, 693 P.2d 979, 981 (App. 1984); *State ex rel. Collins v. Superior Court of State of Arizona*, 129 Ariz. 156, 629 P.2d 992 (1981).

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The only questions that may be raised in a special action are:

- (a) Whether the defendant has failed to exercise discretion which he has a duty to exercise; or to perform a duty required by law as to which he has no discretion; or
- (b) Whether the defendant has proceeded or is threatening to proceed without or in excess of jurisdiction or legal authority; or
- (c) Whether a determination was arbitrary and capricious or an abuse of discretion.

In the case at hand, Petitioner, an inmate at the Arizona State Prison⁴ – Eyman Complex, alleges that he was wrongfully placed in punitive segregation. Petitioner alleges that the disciplinary actions brought against him by Defendant are retaliatory, discriminatory and racist. Interestingly, Petitioner claims that he is a victim and should be released from punitive segregation, though he has been a “problem inmate” during his incarceration, being found guilty of 13 (thirteen) major violations, including fighting, possession of a manufactured weapon, throwing items and threatening with harm. The fundamental corpus of Petitioner’s argument is a request for this court to review the decision simply because Petitioner doesn’t want to be placed in punitive segregation. Petitioner fails to base his request on any law that would permit a review in a Special Action proceeding. This court will not grant jurisdiction for this Special Action petition.

This court finds no abuse of discretion by Warden Goldsmith - Arizona State Prison – Eyman Complex, or the Arizona Department of Corrections, and therefore denies all relief requested by Petitioner.

IT IS ORDERED DENYING all relief as requested by the Petitioner.

/ s / HONORABLE MICHAEL D. JONES

JUDICIAL OFFICER OF THE SUPERIOR COURT

⁴ Petitioner is serving a 12-year sentence for a felony conviction (aggravated assault).
Docket Code 019